

# STATE OF INDIANA



INDIANA UTILITY REGULATORY COMMISSION  
302 W. WASHINGTON STREET, SUITE E-306  
INDIANAPOLIS, INDIANA 46204-2764

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IN THE MATTER OF THE PETITION OF PSI )  
ENERGY, INC., PURSUANT TO THE )  
COMMISSION'S MAY 18, 2004 ORDER IN )  
CAUSE NO. 42359 AND IND. CODE 8-1-2-42, )  
FOR AUTHORITY TO RECOVER VIA PSI'S )  
RIDER NO. 70 CERTAIN COSTS )  
ASSOCIATED WITH WHOLESALE POWER )  
PURCHASES MADE BY PETITIONER TO )  
MEET ITS RETAIL NATIVE LOAD PEAK )  
REQUIREMENTS FOR THE SUMMER OF )  
2004; FOR AUTHORITY TO RECOVER VIA )  
PSI'S RIDER NO. 70 CERTAIN COSTS )  
ASSOCIATED WITH ITS POWERSHARE ® )  
PROGRAM FOR THE SUMMER OF 2004; )  
FOR AUTHORITY TO SHARE OFF-SYSTEM )  
SALES PROFITS VIA PSI'S RIDER NO. 70 IN )  
ACCORDANCE WITH THE COMMISSION'S )  
MAY 18, 2004 ORDER IN CAUSE NO. 42359; )  
AND FOR CONFIDENTIAL TREATMENT OF )  
CERTAIN INFORMATION RELATING TO )  
PETITIONER'S SUMMER 2004 POWER )  
PURCHASES AND OFF-SYSTEM SALES )  
PROFITS. )

**FILED**

OCT 25 2004

INDIANA UTILITY  
REGULATORY COMMISSION

CAUSE NO. 42695

You are hereby notified that on this date the Indiana Utility Regulatory Commission ("Commission") has caused the following entry to be made:

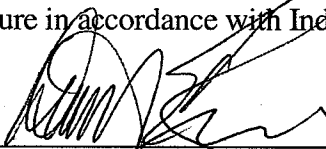
On October 8, 2004 pursuant to 170 I.A.C. 1-1.1-4, PSI Energy, Inc. ("PSI" or ("Petitioner") filed a *Motion for Protection of Confidential and Proprietary Information* ("Motion") in this Cause. In its Motion, the Petitioner requests that data relating to the pricing and identity of vendors associated with certain purchased power arrangements be treated as confidential and a trade secret ("Confidential Information") as that term is defined under Indiana Code 24-2-3-2. Information containing trade secrets is excepted from public disclosure under Indiana Code 5-14-3-4(a)(4). In support of its Motion, the Petitioner includes the sworn *Affidavit of Douglas F Esamann* ("Affidavit"). The Affidavit has been placed in the Commission's official file in this matter and is hereby incorporated by reference.

170 I.A.C. 1-1.1-4 governs the submission of confidential or privileged information to the Commission, and requires the applicant to apply for a finding by the Commission that the information

is confidential. The application must be accompanied by the sworn statement or testimony of a party that describes: 1) the nature of the confidential information; 2) the reasons why the information should be treated as confidential pursuant to I.C. 8-1-2-29 and I.C. 5-14-3; and, 3) the efforts the party has made to maintain the confidentiality of the information.

The Presiding Officers, having considered Petitioner's Motion and accompanying Affidavit, find there is sufficient basis for determination that the Confidential Information should be held as confidential by the Commission on a preliminary basis. Accordingly, Petitioner shall hand deliver to the Presiding Administrative Law Judge, in a sealed envelope clearly marked confidential, with the Cause No. noted thereon, the Confidential Information which shall be treated as confidential on a preliminary basis and excepted from public disclosure in accordance with Indiana Code 5-14-3.

**IT IS SO ORDERED.**

  
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David E. Ziegner, Commissioner  
\_\_\_\_\_  
Scott R. Storms, Chief Administrative Law Judge

October 25, 2004  
\_\_\_\_\_  
Date